

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

Rules and Regulations Implementing the Truth  
in Caller ID Act of 2009

WC Docket No. 11-39

**REPLY COMMENTS OF NOBELBIZ, INC.**

NobelBiz, Inc. (“NobelBiz”), by its attorneys, hereby replies to the comments submitted in response to the *Notice of Proposed Rulemaking* (“Notice”) released in the above-captioned proceeding. As expected, commenters uniformly support the Commission’s efforts to implement the Truth in Caller ID Act of 2009 (the “Act”) by adopting rules to prohibit a person from knowingly transmitting misleading or inaccurate Caller ID information with the intent to defraud, cause harm, or wrongfully obtain anything of value from the public (otherwise known as “spoofing”) – rules which, as proposed, carefully distinguish between harmful and legitimate uses of calling party identification technology.

**I. THE ABILITY TO USE CERTAIN CALLER IDENTIFICATION  
TECHNOLOGIES FOR LEGITIMATE PURPOSES MUST BE MAINTAINED**

NobelBiz notes that many commenters agree there are numerous legitimate and beneficial uses of caller identification technology, which are in no way intended to defraud, cause harm, or wrongfully obtain something of value.<sup>1</sup> These views conform to the legislative history of the Act, which makes it clear that Congress was focused on preventing harmful and

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<sup>1</sup> See AT&T Comments at 2; 7- 8; Comments of Mark R. Lee at n.1; Voice on the Net Coalition Comments at 3; Copilevitz and Canter Comments at 2; American Teleservices Comments at 3.

nefarious caller ID spoofing upon consumers, and underscores the statutory focus on prohibiting only those technologies that are intended to defraud, harm, or wrongfully take something of value.

As discussed in the Comments, in the final House floor debate, Members noted the importance of distinguishing between legitimate and harmful practices.<sup>2</sup> Indeed, Representative Engel noted that the reason for “the intent to defraud or cause harm” in the Act language was because “we don’t want some legitimate reasons to use this technology to be outlawed.”<sup>3</sup> Accordingly, services like NobelBiz’s LocalTouch are considered to be lawful.<sup>4</sup> Thus, in adopting rules implementing the Act, the Commission must preserve the use of such caller identification technology for legitimate purposes, provided there is no intent to defraud, cause harm, or wrongfully obtain anything of value.

## **II. TARGETED EXEMPTIONS FROM THE ANTI-SPOOFING REGULATIONS SHOULD BE ADOPTED**

NobelBiz supports the request by AT&T and others to adopt other targeted exemptions from the anti-spoofing regulations.<sup>5</sup> As AT&T notes, there are legitimate business reasons for altering Caller ID information, including, for example, for performing “test calls,” telemarketing campaigns, and customer service calls.<sup>6</sup> None of these types of activities include the requisite intent to defraud, cause harm, or wrongfully obtain anything of value. Indeed, in

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<sup>2</sup> NobelBiz Comments at 3-4.

<sup>3</sup> 111 Cong. Rec. H8379 (Dec. 14, 2010).

<sup>4</sup> Commenter Horowitz’s assertion (Horowitz Comments at 3) that LocalTouch “causes charges to be incurred by concealing the true purpose of the call” is nonsense – the call recipient incurs no charges and the true purpose of the call is not concealed. In fact, any call recipient that dials the calling party number will have the ability to confirm the identity of the caller and the reason for the call, and to make a do-not-call request, if appropriate.

<sup>5</sup> See AT&T Comments at 8.

<sup>6</sup> *Id.*

each instance, any called party that dials the calling party number provided will have the ability to identify the caller, to determine the reason for the call, and to make a do-not-call request, where appropriate. Importantly, these practices distinguish a legitimate business purpose for altering Caller ID information from an unlawful one – in no way are such practices fraudulent, deceptive or harmful to the called party.

**III. THE COMMISSION SHOULD ESTABLISH AN EXEMPTION FOR CALLER ID TECHNOLOGIES THAT OFFER LOCAL AREA CODES FOR TERMINATING LONG DISTANCE CALLS SIMILAR TO FX SERVICES**

Finally, NobelBiz reiterates its request for the Commission to exercise its authority under the Act to establish an appropriate exemption for foreign exchange (FX)-like services like LocalTouch, which permit a calling party to make a long distance voice call that is received by the called party as a local call, even though the call is originating from outside the local calling area.<sup>7</sup> With such services the call recipient has the ability to place a return call to the original calling party by dialing the same local number. There has never been any basis to believe that these types of services are harmful merely because the call recipient may perceive the incoming call as being local even though the call in fact originates from outside the local calling area. To reiterate, the exemption NobelBiz is proposing would not mean that any telephone call placed over this type of caller ID technology is necessarily lawful. Should any party knowingly use this technology to place calls with an intent to defraud, cause harm, or wrongfully obtain anything of value, the Act's central provisions would still apply.

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<sup>7</sup> See NobelBiz Comments at 4-5.

## ***CONCLUSION***

For the foregoing reasons, NobelBiz supports the Commission's proposed rules to implement the Truth in Caller ID Act of 2009, and NobelBiz further urges the Commission to adopt an additional exemption as specified herein.

Respectfully submitted,

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